IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 384 OF 2005

Mr.Lalchand Pannalal Jain. ... Appellant.
Versus.
Municipal Corporation of Gr.Mumbai
and another. ... Respondents.

Shri A.M.Saraogi for the Appellant.

Ms.R.K.Mehta i/by Shri K.S.Vakil for the Respondent No.2.

CORAM : ABHAY S. OKA, J.

DATED : 28th March, 2005.

P.C.:

1. The Appeal is preferred by the original Plaintiff for challenging the Judgment and order dated 25th February 2004. By the impugned Judgment and order the learned trial Judge has declined to grant ad-interim relief in favour of the Appellant/Plaintiff. Thus for a period of more than one year there is no interim order operating in favour of the Appellant/Plaintiff. The Notice of Motion is still pending. Hence at this stage the Appeal filed against the rejection of ad-interim relief cannot be entertained. Accordingly, the Appeal from Order is dismissed with no order as to costs.

2. All contentions on merits in the pending Notice of Motion are kept open. The learned trial Judge will decide the pending Notice of Motion expeditiously and on its own merit.

Judge.